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8	& Diageo Americas Inc.				
9	[Additional counsel listed on signature page]				
10	UNITED STATES	DISTRICT COURT			
11	UNITED STATES DISTRICT COURT DISTRICT OF NEVADA				
12					
13	COUNTER WRAPS INTERNATIONAL INC d/b/a DC MEDIA AND	Case No. 2:16-cv-02924-JCM-CWH			
14	MARKETING, a Nevada corporation,				
15	Plaintiff,	STIPULATION AND PROPOSED			
16	VS.	MODIFIED SCHEDULING ORDER			
17	DIAGEO NORTH AMERICA INC., a	(SECOND REQUEST)			
18	Connecticut corporation; DIAGEO AMERICAS INC., a Delaware corporation;				
19	and DOES I through X;				
20	Defendants.				
21					
	Pursuant to this Court's November 27,	2017 Order (ECF 30), and Local Rules 7-1 and			
22 23	26-4, Plaintiff Counter Wraps International In	c. d/b/a DC Media and Marketing ("Plaintiff")			
24	and Defendants Diageo North America, I	nc. and Diageo Americas Inc. (collectively			
25	"Defendants" and, together with Plaintiff, t	he "Parties") hereby respectfully submit this			
26	Stipulation and Proposed Modified Scheduling	Order (Second Request):			
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- 1. The operative Amended Scheduling Order entered by this Court on May 30, 2017 (ECF 21) contains the following deadlines:
 - a. Last date to complete discovery: November 9, 2017.
 - b. Last date to amend pleadings and add parties: Closed.
 - c. Last date to file interim status report: Closed.
 - d. Last date to disclose experts pursuant to Fed. R. Civ. P. 26(a)(2): September 12, 2017.
 - e. Last date to disclose rebuttal experts: October 12, 2017.
 - f. Last date to file dispositive motions: January 11, 2018.
 - g. Last date to file joint pretrial order: February 11, 2018. In the event that dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until thirty (30) days after the decision on the dispositive motions or until further order of the court.
- 2. The parties have met and conferred, and stipulate, to the following proposed deadlines, subject to the approval of this Court, as follows:
 - a. Last date to complete discovery: April 13, 2018.
 - b. Last date to amend pleadings and add parties: Closed.
 - c. Last date to file interim status report: Closed.
 - d. Last date to disclose experts pursuant to Fed. R. Civ. P. 26(a)(2): Closed.
 - e. Last date to disclose rebuttal experts: Closed.
 - f. Last date to file dispositive motions: June 8, 2018.
 - g. Last date to file joint pretrial order: July 9, 2018.
- 3. The Parties respectfully submit that the conditions necessary for the modification of this Court's current Scheduling Order (ECF 21) exist here. Per this Court's operative Scheduling Order, discovery closed on November 9, 2017. (ECF 21.) On November 27, 2017, this Court granted Plaintiff's Motion to Modify Scheduling Order and for Leave to

	2	this Court required the parties to "meet and confer and file a proposed modification of the			
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	3	discovery pla	n and scheduling order by Decem	ber 13, 2017," the date of this submission.	
	4	4.	Defendants contend that further	depositions, and certain written discovery, are	
	5	necessary because of issues raised by the FAC, which brings new claims sounding in fraud.			
	6	5.	Plaintiff contends that further di	scovery is unnecessary, given that the FAC still	
	7	arises out of	the negotiation, execution, and	performance of the Nuvo Agreement, which	
	8	contract was the subject of its initial complaint.			
		6.	The Parties have met and confe	erred, and agree to the modified discovery and	
		pre-trial schedule outlined above. The Parties do not believe any other modification of the			
		discovery plan or scheduling order is needed at this time.			
		7.	If this Stipulation is granted, the	Parties agree to promptly propound, and timely	
		respond to, ar	ny discovery served by either Part	y.	
		8.	One previous stipulation to ext	end discovery deadlines was submitted to this	
		Court, on Ma	y 15, 2017 (ECF 20), and was gra	nted by this Court (ECF 21).	
	17	9.	Wherefore, the Parties stipulate	e and request that the Court issue an Order to	
	18	extend the disc	covery cutoff until April 13, 2018	, as provided in Section 2 above.	
	19				
	20	Dated this 13	3 th day of December, 2017	Dated this 13 th day of December, 2017	
	21	Howari	& Howard Attorneys PLLC	SKIERMONT DERBY LLP	
	22	By: /s/ R	obert Hernquist	By: /s/ John J. O'Kane IV	
	23	Robert H	Iernquist, Nevada Bar No. 10616 Lloyd, Nevada Bar No. 9617	Paul B. Derby [pro hac vice]	
	24		r Defendants Diageo North	John J. O'Kane IV [<i>pro hac vice</i>] and	
	25		& Diageo Americas Inc.	RANDOLPH LAW FIRM Taylor Randolph, Nevada Bar No. 10194	
IT IS SO ORDERED.			Attorneys for Plaintiff Counter Wraps International Inc. d/b/a DC Media and		

File Proposed First Amended Complaint (the "FAC"). (ECF 22 & 24.) In that Order (ECF 30),

C.W. HOFFMAN, JR. UNITED STATES MAGISTRATE JUDGE

DATED: December 14, 2017

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Marketing

HOWARD & HOWARD ATTORNEYS PLLC

IT IS SO ORDERED.

UNITED STATES MAGISTRATE JUDG	iΕ
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DATED:	

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CERTIFICATE OF SERVICE

I am employed in the State of California, County of Los Angeles. I am over the age of 18 years old and not a party to this action. My business address is 800 Wilshire Boulevard, Suite 1450, Los Angeles, California 90017.

On December 13, 2017, I served the following document described as:

STIPULATION AND PROPOSED MODIFIFED SCHEDULING ORDER (SECOND REQUEST)

by filing the same using the CM/ECF system of the United States District Court for the District of Nevada, which automatically ensured that the attorney(s) representing the party(ies) listed below received a true copy of the above-described document by electronic mail at the following email addresses:

Robert W. Hernquist, Esq. (rwh@h2law.com)
Jennifer R. Lloyd, Esq. (jl@h2law.com)
HOWARD & HOWARD
3800 Howard Hughes #1000
Las Vegas, Nevada 89169
Counsel of Record for Defendants
Diageo North America, Inc. & Diageo Americas, Inc.

I declare that on December 13, 2017, at 3:12 and 3:14 p.m. as shown by the inbox of my business electronic mail, I received the permission of Mr. Hernquist, counsel for the Defendants, to file this Joint Stipulation on behalf of all Parties.

Association and am admitted to practice before the Ninth Circuit Court of Appeals and all federal district courts in the State of California. I further declare that I am admitted to practice before the United States District Court for the District of Nevada *pro hac vice* in the matter of *Counter Wraps Int'l, Inc. v. Diageo N. Am., Inc. et al.*, D. Nev. Case No. 2:16-cv-02924-JCM-CMH. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on December 13, 2017, at Los Angeles, California.

s/ John J. O'Kane IV JOHN J. O'KANE IV